

“The Trafficking in Persons (TIP) Report is the U.S. Government’s principal diplomatic tool to engage foreign governments on human trafficking. It is also the world’s most comprehensive resource of governmental anti-human trafficking efforts and reflects the U.S. Government’s commitment to global leadership on this key human rights and law enforcement issue. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it. The U.S. Government uses the TIP Report to engage foreign governments in dialogues to advance anti-trafficking reforms and to combat trafficking and to target resources on prevention, protection and prosecution programs. Worldwide, the report is used by international organizations, foreign governments, and nongovernmental organizations alike as a tool to examine where resources are most needed. Freeing victims, preventing trafficking, and bringing traffickers to justice are the ultimate goals of the report and of the U.S Government’s anti-human trafficking policy.”

The section of the TIP report dealing with the United States follows. The full text of the 2013 report is available at <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>

#### Trafficking in Persons Report 2013 - UNITED STATES OF AMERICA (Tier 1)

The United States is a source, transit, and destination country for men, women, and children—both U.S. citizens and foreign nationals—subjected to forced labor, debt bondage, involuntary servitude, and sex trafficking. Trafficking can occur in many licit and illicit industries or markets, including in brothels, massage parlors, street prostitution, hotel services, hospitality, agriculture, manufacturing, janitorial services, construction, health and elder care, and domestic service. Individuals who entered the United States without legal status have been identified as trafficking victims, as have participants in visa programs for temporary workers who filled labor needs in many of the industries described above. There continue to be allegations of visa holders employed as domestic workers being subjected to forced labor by personnel of foreign diplomatic missions and international organizations posted to the United States. Abuse of third-country nationals providing services for overseas U.S. government contracts has also been noted by NGOs and government officials. NGOs reported that Native American girls had been trafficked for the purposes of prostitution, pornography, and strip clubs in the United States and Mexico. The top countries of origin identified for foreign victims of human trafficking in fiscal year (FY) 2012 were Mexico, Thailand, the Philippines, Honduras, Indonesia, and Guatemala. During this reporting period, a policy change at the Department of Justice (DOJ) allowed federal funding for victim services to support U.S. citizen victims of human trafficking as well as foreign national victims.

The U.S. government fully complies with the minimum standards for the elimination of trafficking. Federal law enforcement prosecuted more cases than in the previous reporting period, obtained convictions of sex and labor trafficking offenders, and strengthened training of government officials at the federal and state levels. Likewise, there were reports of increased prosecutions at the state level following the enactment of state anti-trafficking laws, which each of the 50 states has now adopted. The federal government continued to provide multi-faceted support for comprehensive victim services, including increased access to legal

services. Greater numbers of trafficking victims and their immediate family members obtained immigration relief through T nonimmigrant status (referred to as a T visa), which can lead to lawful permanent residence and an opportunity to apply for citizenship after five years as a lawful permanent resident. Although the comprehensive nature of services was recognized by nongovernmental legal service providers, NGOs noted the critical need for an increase in the overall funding for comprehensive services. Some trafficking victims were reportedly detained and prosecuted during the reporting period. Federal procurement policies were modified to better address the risk of trafficking in persons occurring in the performance of government contracts, and the federal government began efforts to collect data on state and local human trafficking cases.

**Recommendations for the United States:** Increase funding for relevant agencies to provide victim services both domestically and internationally, including legal services and long-term holistic care; improve methods of data collection and coordinate this effort across agencies; require foreign labor contractors and recruiters to disclose the terms and conditions of work to workers in a language they understand; pursue civil or criminal prosecutions or other sanctions against noncompliant employers and labor contractors, including barring noncompliant employers and labor contractors from U.S. programs; increase screening to better identify trafficked persons, including adults and children arrested or detained for criminal offenses frequently associated with human trafficking, youth served through the child welfare system, and runaway and homeless youth being served through programs funded by the Department of Health and Human Services (HHS); examine the impact of trafficking on American Indian and Alaskan Native communities, and develop strategies to train and ensure coordination with tribal justice systems and provide services to victims; provide trafficking victims with services and access to emergency, transitional, and long-term housing, regardless of gender, immigration status, or type of trafficking experienced; sustain support for victim family reunification efforts; ensure that prosecutors and law enforcement allow appropriate access to counsel for trafficking victims during investigatory interviews and that federal law enforcement officials apply in a timely and appropriate manner for Continued Presence, a temporary form of immigration relief provided to individuals identified by law enforcement as victims of human trafficking; ensure implementation of procedures for and appropriate training of consular officers to reduce vulnerabilities in the T visa (for family members of trafficking victims) and U visa programs; increase the role of survivors of human trafficking in informing policy, training, public awareness, outreach efforts, and victim care; increase training on indicators of human trafficking and the victim-centered approach for law enforcement, judges, public defenders, and others involved in the immigration, family court, and criminal justice systems; and incorporate human trafficking information in training and technical assistance projects for federal grantees working with crime victims, runaway and homeless youth, and immigrants.

## **Prosecution**

The U.S. government demonstrated progress in federal anti-trafficking law enforcement efforts throughout the reporting period. U.S. law prohibits peonage, involuntary servitude, forced labor, and sex trafficking, as well as confiscation or destruction of documents such as passports in connection with trafficking. The Trafficking Victims Protection Act of 2000 (TVPA) and subsequent reauthorizations, including in March 2013, have refined the law governing the U.S. government's response to trafficking. In addition to criminalizing these acts, U.S. law also prohibits conspiracy and attempts to violate these provisions, as well as

obstructing their enforcement. Sex trafficking prosecutions involving children do not require a demonstration of the use of force, fraud, or coercion. During the reporting period, a criminal prohibition of fraud in foreign labor contracting was statutorily expanded to reach work performed outside the United States on a U.S. government contract or on U.S. property or military installations. Penalties prescribed under these statutes are sufficiently stringent and commensurate with penalties prescribed under U.S. law for other serious offenses; ranging from five to 20 years' imprisonment for peonage, involuntary servitude, forced labor, and domestic servitude or up to life imprisonment with aggravating factors; penalties for sex trafficking range up to life imprisonment with mandatory minimum sentences of 10 years' imprisonment for sex trafficking of children and 15 years' imprisonment for sex trafficking by force, fraud, or coercion, or sex trafficking of children under age 14.

Federal trafficking offenses are investigated by agencies such as the Federal Bureau of Investigation (FBI) and U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), as well as the Department of State (DOS) Diplomatic Security Service (DSS) Human Trafficking Unit and field elements overseas. Federal human trafficking cases are prosecuted by DOJ's 93 U.S. Attorney's Offices (USAO) around the country, as well as by two specialized units—the Civil Rights Division's Human Trafficking Prosecution Unit (HTPU), which oversees prosecutions involving labor trafficking and sex trafficking of adults, and the Criminal Division's Child Exploitation and Obscenity Section (CEOS), which specializes in prosecuting child sex trafficking and child sex tourism.

The federal government reports its law enforcement data by fiscal year, which runs from October 1 through September 30. During FY 2012, 26 DOJ-led taskforces reported over 753 investigations involving 736 suspects in human trafficking-related cases, a decrease from 29 taskforces and over 900 investigations involving 1,350 suspects in FY 2011. ICE HSI reported investigating 894 cases possibly involving human trafficking, an increase from 722 cases investigated in FY 2011. The FBI reported 306 pending human trafficking investigations with suspected adult and foreign child victims, a decrease from 337 in FY 2011, and 440 investigations initiated involving the sex trafficking of children, an increase from 352 in FY 2011. DSS had 95 cases open worldwide during FY 2012 that had a nexus to human trafficking. The Department of Defense (DOD) reported five investigations that included human trafficking crimes involving military personnel.

DOJ prosecutes human trafficking cases through its USAOs and the two specialized units that serve as DOJ's nationwide subject-matter experts and partner with USAOs around the country. Taken together, USAOs, HTPU, and CEOS initiated a total of 128 federal human trafficking prosecutions in FY 2012, charging 200 defendants. Of these, 162 defendants engaged predominately in sex trafficking and 38 engaged predominately in labor trafficking, although several defendants engaged in both. In FY 2012, DOJ's Civil Rights Division, in coordination with USAOs, initiated 55 prosecutions involving forced labor and sex trafficking of adults by force, fraud, or coercion. Of these, 34 were predominantly sex trafficking and 21 were predominantly labor trafficking; several cases involved both. In FY 2012, CEOS, in coordination with USAOs, initiated 18 prosecutions involving the sex trafficking of children and child sex tourism.

During FY 2012, DOJ convicted a total of 138 traffickers in cases involving forced labor, sex trafficking of adults, and sex trafficking of children, compared to 151 such convictions obtained in 2011. Of these, 105

were predominantly sex trafficking and 33 were predominantly labor trafficking, although some cases involved both. The average prison sentence imposed for federal trafficking crimes during FY 2012 was nine years, and terms imposed ranged from probation to life imprisonment. During the reporting period, federal prosecutors secured life sentences against both sex and labor traffickers in four cases, including a sentence of life plus 20 years, the longest sentence ever imposed in a labor trafficking case.

Notable prosecutions involved defendants who used violence and torture to hold U.S. citizen girls and women—including a pregnant woman—in prostitution in Tennessee; defendants who held four eastern European women in forced labor in massage parlors and forced prostitution in Illinois; a defendant who held four West African children in forced labor as domestic servants in Michigan; defendants who held Ukrainian men and women in forced labor on cleaning crews in Pennsylvania; and defendants who, in a 193-count indictment, are alleged to have held victims with serious mental disabilities in forced labor and forced prostitution in Florida and Pennsylvania.

All states and all but one territory have enacted modern anti-trafficking criminal statutes in recent years. All 50 states prohibit the prostitution of children under state and local laws that predate the TVPA; however, the application of these laws continues to result in some trafficked children being treated as criminal offenders. By the close of the reporting period, some states had passed additional protections such as asset-forfeiture provisions, access to civil remedies, and training for law enforcement; 14 states had enacted “safe harbor” laws to ensure that children are treated as victims and provided services rather than being prosecuted for prostitution; and eight states had enacted laws to allow trafficking victims to petition the court to vacate prostitution-related criminal convictions that result from trafficking. While these laws reflect an increased effort by state legislatures, observers report that state anti-trafficking laws generally lack uniformity and consistency across jurisdictions.

While media reports indicate an increase in state prosecutions, comprehensive data is not currently collected on state prosecutions and convictions; during the reporting period, the FBI began developing software to capture all human trafficking case data to ensure uniform reporting at federal and state levels. Reports indicated at least several dozen prosecutions at the state level involving forced prostitution of children and adults, including lesbian, gay, bisexual, and transgender youth, exploitation of individuals with mental illness for forced labor, and involuntary domestic servitude of both children and adults. During the reporting period, state prosecutors secured a range of sentences for sex and labor traffickers, including at least one life sentence for a sex trafficker. NGOs have expressed concern that state activities have focused almost exclusively on sex trafficking, with a heavy emphasis on child prostitution cases rather than addressing all forms of trafficking and all vulnerable populations.

During the reporting period, DOJ, in cooperation with the Department of Homeland Security (DHS) and the Department of Labor (DOL), continued to support six Anti-Trafficking Coordination Teams (ACTeams) in pilot districts around the country to streamline coordination among federal prosecutors and agents and enhance federal interagency investigations and prosecutions. DOJ continued to fund anti-trafficking taskforces nationwide, comprising federal, state, and local law enforcement investigators and prosecutors, labor enforcement officials, and victim service providers, but by the end of FY 2012, the number of these taskforces funded by DOJ’s Bureau of Justice Assistance (BJA) had been reduced to 16 from 26, as funding

for several taskforces expired. Thirteen of the 16 taskforces were Enhanced Collaborative Model Task Forces, which aim to improve the cooperation of law enforcement agencies and victim service organizations. USAOs were required to establish or participate in a human trafficking taskforce, and at least 85 of the 93 offices had done so by the end of FY 2012. The FBI's Violent Crimes Against Children Task Forces, which focus in part on the sex trafficking of children, increased from 26 in FY 2011 to 29 at the beginning of FY 2012 and expanded to 66 by December 2012. DOJ and DHS continued a bilateral initiative with Mexico to investigate and prosecute human trafficking networks operating across the U.S.-Mexico border, as well as to assist victims of these networks and recover victims' children from the control of traffickers.

There were at least two instances of complicity of government officials in human trafficking cases during the reporting period. A local police officer was convicted of obstruction of a sex trafficking investigation in Pennsylvania and sentenced to 38 months in prison. Three police officers in Guam were charged with conspiracy and other related offenses in a local prosecution that arose out of a federal sex trafficking investigation.

The U.S. government increased its anti-trafficking law enforcement training efforts during the reporting period. DHS collaborated with DOJ, FBI, and DOL to create an advanced training program for its ACTeams; DOJ's BJA collaborated with law enforcement, judicial, and legal educators to deliver trainings to state judges and prosecutors; the FBI provided training on both child forensic interviewing and child sex trafficking to 200 agents, taskforce officers, and federal, state, and local prosecutors; DOD continued to mandate online training for its personnel; DHS produced two "roll-call" videos for state and local law enforcement to explain how immigration relief for victims of human trafficking can be beneficial to investigations; and, through a partnership with DHS and the Department of Transportation (DOT), the national passenger rail system announced that all its employees, including police officers, will be trained on trafficking indicators and referral mechanisms.

## **Protection**

The federal government enhanced its protection measures by continuing efforts to increase victim identification and provide services to identified victims by increasing the scope and availability of services, including access to legal services, and by developing its first-ever federal strategic action plan to strengthen services for trafficking victims in the United States under the direction of DOJ, HHS, and DHS. The government has formal procedures to guide officials in victim identification and referral to service providers, funds several federal tip lines including an NGO-operated national hotline and referral service, and funds NGOs that provide trafficking-specific victim services. The government also supports foreign national and U.S. citizen victims during trafficking investigations and prosecutions by funding victim services providers and increasing the number of victim assistance coordinators in field offices to assist victims.

Federally-funded victim assistance included case management and referrals, medical care, dental care, mental health treatment, sustenance and shelter, translation and interpretation services, substance abuse treatment, immigration and legal assistance, employment and training services, transportation assistance, and other essential services. Federal funding for victim assistance generally remained static during the reporting period; funding is provided by HHS's Office of Refugee Resettlement on a per capita basis for

foreign national victims and by DOJ's Office of Victims of Crime (OVC) through grants under four different program areas. Many of OVC's grantees are funded to support services for all victims of human trafficking that may be identified within a specific geographic area.

HHS issues a certification letter that enables a foreign national victim to receive federal and state benefits and services to the same extent as a refugee when Continued Presence is granted or when a victim of a severe form of trafficking has made a bona fide application for T nonimmigrant status. In FY 2012, HHS issued 366 such certifications to foreign national adults and 103 eligibility letters to foreign national children, compared to 463 adults and 101 children in FY 2011. During FY 2012, HHS supported 118 NGO service providers across the country that provided trafficking victim assistance to 252 potential foreign national victims and 224 certified foreign national victims. Combined with 172 family members who also received assistance, this represents a five percent increase compared with the total number served in FY 2011.

HHS awarded \$4.8 million in FY 2012 to three NGOs for the provision of case-management services to foreign national victims through a nationwide network of NGO sub-recipients. Under the HHS victim assistance program, there is a maximum reimbursement amount allowed per month for each victim for the 12 months during which that victim can be assisted, with some exceptions allowed. NGOs reported instances in which they reached these funding limits, were unable to provide services to victims waiting for their traffickers' cases to come to trial, and had to supplement government funds with private donations.

Unaccompanied alien children (UACs) who come to the attention of federal authorities are placed in the care and custody of HHS, which screens such children for trafficking victimization in the United States or abroad and, when appropriate, makes a determination of eligibility for benefits and services. During FY 2012, more than 13,625 UACs were referred to HHS for care and custody. Of those identified as victims of trafficking, 40 were placed in the Unaccompanied Refugee Minors Program, which establishes legal responsibility under state law for such children to ensure that they receive the full range of assistance, care, and services available to foster children in the state. ICE HSI victim assistance specialists coordinated with ICE Enforcement and Removal Operations' juvenile coordinators to ensure that UACs identified by ICE agents during a trafficking investigation were placed with HHS. Customs and Border Protection (CBP) screens UACs encountered at the border or at, and between, ports of entry for potential indicators of human trafficking.

OVC continued to administer grant funding and oversee special initiatives, including comprehensive services. From July 1, 2011 to June 30, 2012, OVC grantees reported more than 1,300 open client cases, including 775 new victims enrolled in the program as well as existing clients from previous report periods who required ongoing services. During FY 2012, DOJ competitively awarded new funding to 14 victim service organizations across the United States totaling approximately \$5.7 million, a decrease from \$6.7 million granted in FY 2011. OVC grant programs provided funding to victim service organizations providing trauma-informed, culturally-competent services to victims of sex trafficking and labor trafficking. In FY 2012, DOJ made four grant awards specifically for the provision of legal services for victims of human trafficking.

Federal funding streams and grants for victim services remained inadequately structured for providing comprehensive care options for all types of trafficking victims, resulting in disparate treatment of victims,

including turning some away. Some foreign national victims were assisted with funding from both DOJ and HHS. Record-keeping systems used by DOJ and HHS do not allow for cross-referencing to determine which victims were served by both agencies. NGOs reported the need for increased funding for victim services, including legal services and housing for survivors, family reunification programs, and training for the legal community about civil legal remedies. HHS changed its policy to allow for the provision of legal representation with funds allocated for victim services, but the overall funds in this allocation did not increase and several NGOs reported the funds were insufficient.

The TVPA authorizes DHS to provide two principal types of immigration relief to foreign trafficking victims: Continued Presence, which is sponsored by federal law enforcement, and T nonimmigrant status, which is requested directly by the victim. In the case of T nonimmigrant status, trafficking victims are generally required to cooperate with reasonable requests from law enforcement in an investigation or prosecution related to their victimization, but a trauma exception exists that permits certain victims to be eligible for T nonimmigrant status without meeting the law enforcement requirement if they are unable to cooperate due to physical or psychological trauma. Victims under the age of 18 are not required to assist law enforcement. A victim may also explain his or her reasons for not cooperating with requests if the victim found the request to be unreasonable. Victims may also include certain family members in their application for T nonimmigrant status; recipients and their derivative family members are authorized to work and are eligible for federal public benefits and services. During this reporting period, the types of family members eligible for T nonimmigrant status were expanded to include certain extended family members of the principal who face a present danger of retaliation. After three years, or upon the completion of the investigation or prosecution, victims with T nonimmigrant status are eligible to apply for permanent resident status and may be eligible for citizenship.

In FY 2012, Continued Presence was issued to 199 trafficking victims, who may be potential witnesses, a decrease from 283 in FY 2011. T nonimmigrant status was granted to 674 victims and 758 immediate family members of victims, representing an increase from 557 and 722, respectively, from the previous period. NGOs reported that lengthy wait times for the issuance of Continued Presence impaired their ability to protect victims.

Another immigration benefit available to victims of trafficking is the self-petitioning U nonimmigrant status (referred to as the U visa) for victims of certain qualifying crimes who cooperate with law enforcement. During the reporting period, the qualifying crimes were expanded by statute to include fraud in foreign labor contracting. The number of petitions for U nonimmigrant status granted where human trafficking is the qualifying crime is currently not available.

In 2012, the DOS Return, Reintegration, and Family Reunification program for Victims of Trafficking reunited 209 family members with trafficked persons in the United States and provided two victims with return assistance. The DOS Bureau of Population, Refugees, and Migration provided \$285,000 in 2013 to continue this program.

The federal government continued to provide victim-protection training to federal, state, and local law enforcement as well as to NGO service providers and the general public. DHS conducted training focused

on victim identification and established referral mechanisms for new asylum officers; trained federal, state, and local law enforcement on Continued Presence, T visas, and U visas; and required ICE's Enforcement and Removal Operations to screen for human trafficking indicators among the detainee population. DOL developed guidance to enhance efforts to provide employment and training services to trafficking victims; and the Department of Education built a more comprehensive program to educate school districts about human trafficking and commercial sexual exploitation of children, and awarded funding for the development of an anti-trafficking guide for schools. NGOs reported that additional training is still needed, especially in law enforcement field offices, to ensure that officers understand how to identify victims and the nuanced aspects of victimization, including psychological coercion and the "traumatic bonding" that occurs between victims of trafficking and their abusers.

NGOs noted that inconsistent screening by law enforcement and other government officials of vulnerable populations often resulted in failure to identify trafficked persons. Existing services for victims are often disproportionately available to female and child survivors of sex trafficking. Shelter and housing for all trafficking victims, especially male and labor trafficking victims, were insufficient. NGOs reported that additional training and official guidance for employees at public benefits offices and child welfare agencies were needed to ensure that critical services were readily available to victims of trafficking. NGOs indicated that immigrant communities are hesitant to contact police or to report crimes because of state immigration laws and programs that forward arrestees' immigration status to federal officials, further isolating victims of trafficking from those who could help them obtain services.

While federal, state, and local grant programs exist for vulnerable children and at-risk youth, including the homeless, NGOs reported that identified child trafficking victims, especially boys and transgender youth, face difficulties obtaining needed services. In particular, NGOs stated that child victims are in need of emergency, transitional, and long-term housing services, as well as age- and culturally-appropriate shelter. HHS increased efforts during the reporting period to train service providers for runaway and homeless youth; however, NGOs reported that formal guidance is needed for child welfare agencies on the prevention of and response to child trafficking. DOJ's OVC continued to support a demonstration project that provided comprehensive services to U.S. citizen child victims of both sex and labor trafficking.

Some trafficking victims, including children, were reportedly detained and prosecuted during the reporting period. In 2011, the most recent year for which data are available, 190 males and 581 females under 18 years of age were reported to the FBI by state and local authorities as having been arrested for prostitution and commercialized vice, compared to 149 males and 677 females in 2010. NGOs noted that victim-centered anti-trafficking policies for both children and adults adopted at federal agency headquarters in Washington were not always reflected in implementation and practice, especially in field offices; areas of particular concern included interview techniques that did not take into account the effects of trauma, the application of incorrect standards for victim identification, and a hesitancy to grant Continued Presence or refer victims for services without higher-level or prosecutorial direction. During the reporting period, ICE expanded its forensic interviewing and victim assistance programs and also deployed a nationwide automated system to screen for indicators of human trafficking among the detainee population.

## **Prevention**



The U.S. government made significant progress on efforts to prevent trafficking. President Obama directed the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF), an interagency coordinating body, to strengthen its work and expand partnerships with civil society and signed an Executive Order mandating anti-trafficking prohibitions for all federal contractors and subcontractors, compliance measures for large overseas contracts and subcontracts, and additional tools for federal agencies to foster compliance. The U.S. government annually reports on its activities to combat human trafficking in a report compiled and published by DOJ, and the PITF compiles and makes public annually a compilation of agency accomplishments in combating human trafficking.

There were reports of abuses, including allegations of human trafficking, of workers in the United States on work-based or other nonimmigrant visas. Some reported that recruiters charged fees related to workers obtaining their visas and also that workers fear seeking assistance because of blacklisting and other retaliation methods, including inciting fear of deportation. U.S. Citizenship and Immigration Services rules for both the H-2A and H-2B programs prohibit employers, recruiters, and other persons from either directly or indirectly charging foreign workers job placement, recruitment, or other fees related to employment. DOL rules for H-2A and H-2B programs prohibit employers and agents from seeking or receiving payments of any kind (including recruitment fees) in connection with obtaining the labor certification. DOL published a final rule under the H-2B program that included anti-retaliation and recruitment transparency provisions, as well as provisions requiring employers to pay any fees related to workers obtaining their visas. As a result of a lawsuit by a group of employers and their representatives, however, that DOL rule has been preliminarily enjoined by a federal court, and DOL is continuing to enforce H-2 worker protections under prior rules.

NGOs noted vulnerabilities in the J-1 Summer Work Travel Program that can potentially facilitate human trafficking, including reports of fraudulent job offers, inappropriate employment, job cancellations on arrival, and housing and transportation problems. DOS took action in 2012 to address weaknesses in this cultural exchange program, including publishing an Interim Final Rule to implement safeguards that expand the list of ineligible positions, enhance oversight and vetting of sponsors and third parties, and better define cultural activities. During the reporting period, DOS conducted more than 800 site visits, required comprehensive orientation materials for participants, made available a 24-hour toll free helpline, and led interagency efforts to prevent criminal abuse or misuse of the program.

The government continued prevention efforts within its A-3 and G-5 visa categories, which allow persons to enter the United States as domestic workers employed by foreign diplomatic or consular personnel or by foreign employees of international organizations. DOS sustained its work to help protect these workers by separately briefing the deputy chiefs of mission of foreign embassies in Washington, D.C., on the requirements relevant to mission personnel employing such domestic workers. It also held its first ever separate meeting for domestic workers employed by foreign diplomats in Washington, D.C., to apprise them of their rights and responsibilities and to provide them with information to report abuse or exploitation. During the reporting period, there were allegations of various forms of abuse and exploitation of these foreign domestic workers; some resulted in civil lawsuits against and criminal investigations of foreign mission personnel. DOS procedures, which were implemented during the reporting period, provided for non-issuance of A-3 and G-5 visas when individuals abroad requested them to work for foreign mission personnel in the United States against whom serious allegations of abuse had been lodged. A-3 and G-5

visa holders who filed civil lawsuits against their former employers were eligible for temporary immigration relief and work authorization under U.S. law. A civil lawsuit against a former U.S. Foreign Service Officer and her spouse for activities in a previous reporting period prompted DOS to revise its guidance concerning the employment of domestic workers while overseas.

The government continued measures to inform and educate the public, including potential victims, about the causes and consequences of human trafficking. HHS funded 11 projects to conduct outreach, public awareness, and identification efforts. HHS continued to fund an NGO to operate a national human trafficking hotline that received over 21,000 phone calls in FY 2011. DOS, through U.S. embassies and consulates worldwide, distributed a "Know Your Rights" pamphlet and provided verbal briefings for approved student or work-based visa applicants. NGOs urged the expansion of this type of prevention effort. DHS continued international and domestic awareness campaigns, including through multi-lingual radio announcements, newspaper advertisements, online resources, victim assistance materials, and indicator cards for law enforcement and first responders. DOT and DHS's CBP partnered to offer training to U.S. commercial airlines on human trafficking and methods to alert federal law enforcement. The Department of Education provided technical assistance and access to resources on human trafficking and the commercial sexual exploitation of children to the education community, funded the development of a prevention toolkit for schools, and convened a briefing session to educate federal and non-federal partners on these efforts. The FBI coordinated community awareness events, including a nationwide public service announcement. The U.S. Agency for International Development (USAID) launched a Campus Challenge that engaged over 2,300 students and scholars representing more than 100 countries, including the United States, in a global online community and supported a contest for the best use of technology to prevent trafficking and assist trafficking victims. The Equal Employment Opportunity Commission (EEOC) conducted almost 200 outreach events including media interviews, oral presentations, stakeholder input meetings, and training sessions.

The government also conducted a number of internally- focused awareness activities for its own personnel. For example, DOS approved the creation of an online awareness training available to all employees, reinforced its policy prohibiting the procurement of commercial sex by employees, and issued a second procurement bulletin dealing specifically with the recruitment of third-country nationals abroad. DHS and DOS offered an online, interactive training for the entire federal acquisitions workforce on combating human trafficking, including reducing the demand for commercial sex. DHS has trained its entire contracting workforce. USAID conducted agency-wide training to implement its Code of Conduct and prohibitions on USAID employees, contractors, sub-contractors, grantees, and sub-grantees from engaging in behaviors that facilitate or support trafficking; released a field guide to educate USAID field personnel and implementing partners on the issue; adopted a standard operating procedure to prevent and respond to trafficking abuses by contractors, sub-contractors, assistance recipients, and sub-recipients; and released a procurement executive bulletin to all USAID contracting personnel with guidance on compliance with federal trafficking statutes.

DOL carries out civil law worksite enforcement, and its field investigators are often the first government authorities to detect exploitative labor practices. DOL's Wage and Hour Division (WHD) targets industries employing vulnerable workers, such as the agriculture, garment, janitorial, restaurant, and hospitality industries. DOL trained WHD investigators on human trafficking and began modifying that training for other

enforcement agency staff. NGOs urged DOL to develop a consistent protocol so that WHD can certify for T nonimmigrant status. EEOC, which investigates discrimination charges against employers, litigated three cases involving human trafficking issues in FY 2012, on behalf of Thai agricultural workers in Washington and Hawaii, Indians employed at a large fabrication company in Mississippi, and persons with intellectual disabilities working at a turkey processing plant in Iowa. In the Iowa case, EEOC obtained the largest jury verdict in agency history, and the victims are expected to recover a total of approximately \$3 million. EEOC also developed training for EEOC attorneys and investigators on victim identification, immigration issues, and remedies and conducted off-site intake and counseling sessions.

U.S. laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by U.S. citizens. DHS, working with federal prosecutors at DOJ, made 27 criminal arrests resulting in 33 indictments and 22 convictions in child sex tourism cases in FY 2012. In 2012, FBI Violent Crimes Against Children Task Forces made seven criminal arrests resulting in two indictments and two convictions. The U.S. government undertook efforts to reduce the demand for commercial sex and forced labor in the reporting period. DOD implemented new measures to strengthen compliance with its zero tolerance policy, including a compliance checklist to be used in overseas contracting and took disciplinary actions against 12 service members for violating DOD's prohibition relating to the procurement of commercial sex. DOL released updates to three reports on child and forced labor, including proposed revisions to the list of products produced, mined, or manufactured with forced or indentured child labor, which requires any contractor to the federal government that supplies products on the list to certify they have made a "good faith effort" to determine that the products supplied were not made under conditions involving forced or indentured child labor. DOL also published a free online resource that provides guidance and shares case studies of effective business practices for reducing child labor and forced labor in global supply chains.

The Department of the Interior's (DOI) Bureau of Indian Affairs provides services directly or through contracts, grants, or compacts to 564 federally recognized tribes with a service population of about 1.9 million American Indian and Alaskan Natives, known to include populations vulnerable to human trafficking. BJA awarded a grant to develop and pilot training to build awareness of the existence of human trafficking in Indian Country, provide law enforcement and community stakeholders with tools to identify and assist victims, and hold perpetrators accountable. DHS conducted targeted outreach and training to tribal and territorial law enforcement agencies to raise awareness and to cultivate partnerships. In response to law enforcement concerns about possible human trafficking on the Fort Berthold Reservation in western North Dakota, the USAO in North Dakota, the FBI, and multiple tribal organizations created a Human Trafficking Working Group to address the abuse of women and children through prostitution on reservations, which resulted in the conviction of a North Dakota man for sex trafficking and other crimes. NGOs noted the need for funding for relevant services for American Indian women and increased training for service providers.

### **U.S. Insular Areas**

The U.S. insular areas consist of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands (USVI). Federal authority over these areas resides with DOI. While the U.S. government has compacts of free association with Palau,

the Federated States of Micronesia, and the Republic of the Marshall Islands, they are independent of the United States and thus are discussed and ranked in separate narratives.

The territory of American Samoa is believed to be a transit and destination location for human trafficking. In FY 2012, there were no known human trafficking cases. The legislature in American Samoa introduced a bill to amend the existing anti-trafficking law on March 6, 2013, which would criminalize human trafficking as a felony offense.

CNMI is a destination and transit location for men, women, and children subjected to forced labor and sex trafficking. During the reporting period, DOL's Office of Insular Affairs' Federal Ombudsman's Office reopened an investigation of a case of fraud in foreign labor contracting from 2009 and identified 10 more human trafficking cases; the victims have filed applications for T nonimmigrant status. Federal authorities charged two men with conspiracy to commit sex trafficking and financially benefitting from a sex trafficking venture involving Chinese women; both defendants pleaded guilty and sentencing was pending at the close of the reporting period.

The territory of Guam is a source and transit location for men, women, and children subjected to forced labor and sex trafficking. During the reporting period, a defendant was sentenced in federal court to life imprisonment on 20 counts, including sex trafficking by force, fraud, or coercion and sex trafficking of a minor for recruiting and defrauding nine Chuukese women and one girl and forcing them to engage in commercial sex acts. Since 1950, a dual judicial structure has existed in Guam, with an independent local judicial system taking responsibility for cases arising under Guam's criminal statutes. As a result of the federal sex trafficking investigation, three Guam police officers were charged by local authorities for their involvement in the scheme, and one officer pleaded guilty to felonious restraint and official misconduct.

The Commonwealth of Puerto Rico is a source, transit, and destination location for men, women, and children subjected to forced labor and sex trafficking. During the reporting period, the USAO indicted a Puerto Rican woman on prostitution and sex trafficking charges for recruiting, enticing, and harboring a 14-year-old female to engage in commercial sex acts. While three sections of Puerto Rico's penal code address human trafficking and slavery, it has not been updated to reflect modern anti-trafficking laws.

USVI is a transit location for human trafficking. The Virgin Islands Code prohibits trafficking in persons, but prosecutors report that traffickers are prosecuted under other offenses such as false imprisonment and sexual assault rather than the "trafficking of persons" offense. An anti-trafficking bill has been drafted and includes criminal offenses for labor and sex trafficking, victim services, restitution, and asset forfeiture. In March 2013, with DOJ support, the USVI Attorney General held a series of training workshops on human trafficking.